

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO

JANE ROE, et al

Plaintiffs,

v.

UNIVERSITY OF CINCINNATI,

Defendant

Case No. 1:22-cv-376

Judge: Jeffrey P. Hopkins

NOTICE OF SUPPLEMENTAL  
AUTHORITY

ORAL ARGUMENT REQUESTED

Plaintiffs respectfully submits this Notice of Supplemental Authority concerning Defendant's Motion to Dismiss the Amended Complaint. (Doc#18.)

Plaintiff brings to the Court's attention a recent decision by this Court (Sargus, J.) in *Doe v. Ohio Univ.*, S.D.Ohio No. 2:21-cv-00858, 2023 U.S. Dist. LEXIS 52435 (Mar. 27, 2023). UC has argued that the school lacked "actual knowledge" of the sexual harassment described in the Amended Complaint because a report to faculty is insufficient. Def. Memo. at PageID#89. In *Ohio Univ.* this Court suggested that a report to a faulty member is, indeed, sufficient. This Court said:

"Actual knowledge requires only that a single school administrator with authority to take corrective action had actual knowledge of the sexual harassment." *Stiles ex rel. D.S. v. Grainger Cty.*, 819 F.3d 834, 848 (6th Cir. 2016). Plaintiff can meet this burden. As detailed in the amended complaint, and reiterated through deposition testimony, both Plaintiff and her father report complaining about ongoing harassment to her professor.... This professor oversaw the class where the harassment took place.

2023 U.S. Dist. LEXIS 52435, at \*20-21.<sup>1</sup>

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<sup>1</sup> In *Ohio Univ.*, as in this case, the Title IX Office was also eventually informed. But this is *additional* "actual knowledge" by the school – this Court's observation elsewhere in the opinion that the school could be deliberately indifferent because the professor failed to take appropriate action supports the conclusion that a report to a professor, particularly when harassment is occurring in the classroom, is enough. 2023 U.S. Dist. LEXIS 52435, at \*22-23.

Respectfully submitted,

/s/ Joshua A. Engel

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been electronically served via the Courts ECF system this April 17, 2023 upon all counsel of record.

/s/ Joshua Engel

Joshua Engel